Secrecy order under § 5.2:

This application does not disclose subject matter of an application which is under a secrecy order pursuant to § 5.2.

4. Representative information

The following have a power of attorney or authorization of agent in this application:

Customer No.: 00909

5. Domestic Priority information

Domestic priority for this application is claimed as follows:

35 U.S.C. § 119(e):

Application No.: 60/399,151

Filed: July 30, 2002

Relationship: Provisional Priority

35 U.S.C. § 365(c):

Application No.: PCT/GB2003/003183

Filed: July 25, 2003

Status: Published as WO 2004/012399 A1

6. Assignee information

The assignee(s) of this application is/are:

XYRATEX TECHNOLOGY LIMITED Langstone Road, Havant Hampshire, P09 1SA United Kingdom

Extent of interest of assignee in application: Entire right, till and interest

Date: January 26, 2005

Christine H. McCarry

Registration-No.-41/44
PILESBURY WINTHROP LLP

P.O. Box 10500 McLean, VA 22102

Customer No. 00909

(703.) 905.2143

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/522,479	01/26/2005	Howard W. Winter	011765-0314597	3824	
Pillsbury Winth	7590 01/03/2008	EXAM	INER		
Intellectual Proj	perty Group		HSU, A	LPUS	
1600 Tysons Boulevard McLean, VA 22102			ART UNIT	PAPER NUMBER	
,			2619		
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		•	MAIL DATE .	DELIVERY MODE	
			01/03/2008	PAPER	

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U.S. APPLICATION N	or (if known; see) 37 OFF 1.5	79	PCT/GB03/00	110N NO. 13183	•		011765-0	KET NUMBER 314597
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Christine H.	_				SIGNATU	RE	//	
P.O. Box 105	WINTHROP L	LP			Christin	e H. M	c Carthy	
McLean, VA					NAME			
	<u> </u>				41844			
SIGNATURE DA	TE: January 26,	2005			REGISTR	ATION NU	IMBER	

Correspondence Address for 10/522479

Customer Number	Contact Information	Address
Customer # 00909 Delivery Mode: PAPER	Telephone: (703)905-2000 Fax: No Fax # E-Mail: No E-Mail Address	Pillsbury Winthrop LLP Intellectual Property Group 1600 Tysons Boulevard P.O. Box McLean VA 22102
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,479	01/26/2005	Howard W. Winter	011765-0314597	3824
	7590 01/03/2008		EXAM	INER
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McLean, VA 24	2102	•	2619	
			MAIL DATE	DELIVERY MODE
		•	01/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/522,479	WINTER ET AL.
Office Action Summary	Examiner	Art Unit
	Alpus H. Hsu	2619
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period value to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 26 Ja	anuary 2005.	
2a) This action is FINAL . 2b) ⊠ This	action is non-final.	
3) Since this application is in condition for allowar		
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.
Disposition of Claims	•	
4) Claim(s) 1-30 is/are pending in the application.	•	
4a) Of the above claim(s) is/are withdraw	wn from consideration.	
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-30</u> is/are rejected.		•
7) Claim(s) is/are objected to.	•	
8) Claim(s) are subject to restriction and/o	r election requirement.	
Application Papers	ı	
9) The specification is objected to by the Examine		
10)⊠ The drawing(s) filed on 26 January 2005 is/are		
Applicant may not request that any objection to the		•
Replacement drawing sheet(s) including the correct		
11) The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form P1O-152.
Priority under 35 U.S.C. § 119	•	•
12)⊠ Acknowledgment is made of a claim for foreign a)⊠ All b)□ Some * c)□ None of:	priority under 35 U.S.C. § 119(a))-(d) or (f).
1. Certified copies of the priority document	·	·
2. Certified copies of the priority document		
3. Copies of the certified copies of the prior		ed in this National Stage
application from the International Bureau	•	_a
* See the attached detailed Office action for a list	of the certified copies not receive	:
•		
Attachment(s)		
Attachment(s) 1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 1/26/05.	5) Notice of Informal F 6) Other:	ratent Application
Topol Notahina Date <u>Incorp.</u>		

Application/Control Number:

10/522,479 Art Unit: 2619

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (1) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).
- 2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least a first Fibre Channel device and at least a second Fibre Channel device as in claims 1 and 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are further objected to because all blocks in Figures 1-3, 4A, 4B, 5, 7-9 should be labeled with descriptive legends known in the art.

Application/Control Number:

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Art Unit: 2619

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is confusing for reciting "a first buffer", "a second buffer", "a first bypass buffer", and "a second bypass buffer" since each buffer is operated to store data received at either first port or second port. Do the first buffer and first bypass buffer and the second buffer and second bypass buffer receive same data respectively?

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Art Unit: 2619

Lines 5 and 7, it is confusing for reciting "at least a first Fibre Channel device" and "at least a second Fibre Channel device". Are they referring to the same first Fibre Channel device and same second Fibre Channel device as in lines 1 and 2?

Lines 25-26, it is confusing for reciting "whereby a said second Fibre Channel device can operate at said second physical link rate which is higher than said first physical link rate of a said first Fibre Channel device" since the second Fibre Channel device always operates at second physical link rate which is higher than the first physical link rate of a said first Fibre Channel device as indicated in the preamble. Can the second Fibre Channel device operates at rate other than the second physical link rate?

Line 27, it is also confusing for reciting "data words" since it is the "data" to be received and stored as in lines 9, 13, 17 and 21.

In claim 3, line 2, the term of "LISM", ""LIFA", "LIPA", "LIHA" and "LISA" should be defined as to what it stands for at its first occurrence.

In claim 6, line 2, claim 7, line 3, the term of "ARB" should be defined as to what it stands for at its first occurrence.

In claim 13, line 2, "R_RDY" should be defined as to what it stands for at its first occurrence.

Claims 16, 18, 21 and 28 are rejected for the same reasoning as in claims 1, 3, 6 and 13.

- 4. In view of the 112 2nd paragraph problems indicated above, no prior art rejection or allowable subject matter can be applied at this time.
- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Application/Control Number:

10/522,479 Art Unit: 2619

Book '481, Banks '813 & '646, Berman '203, '007, '053 & '914, Hagglund et al., Polan et al., and Martin et al. are all cited to show the common feature of Fibre Channel switching system utilizing switch fabric, ports, buffers, and controller for routing data frames from source to destination similar to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

Alpus H. Hsu Primary Examiner Art Unit 2619

Alfan n. iss

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Approved for use through 07/31/2008. OMB 0851-0031

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Complete if Known

Application Number

Filing Date

O1/26/2005

First Named Inventor

Art Unit

TBA- Z6 9

Examiner Name

Uniknown Application

Filing Date

O1/26/2005

First Named Inventor

Art Unit

TBA- Z6 9

Examiner Name

Uniknown Application

Application Number

Art Unit

TBA- Z6 9

Sheet

Attorney Docket Number

Examiner Initials*	Cite No.	Document Number	at .	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
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	FOREIGN PATENT DOCUMENTS									
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Bully		EP 0 709 986	A2	05/1996	Bennett		<u> </u>			
BHM		WO 99/15973		04/1999	HENSON et al.					
PHH		EP 0 856 969	Al	08/1998	Yamazaki					
H H-H		GB 2 363 040		12/2001	Wakeley et al.					
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Examiner Signature	Alpus H. Hsu	Data Considered	12/26/07

*EXAMINER: thitial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that Issued the document, by the two-latter code (WIPO Standard ST.3). For Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

(3)

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Substitute for	torm 14498/PTO			Complete if Known		
				Application Number	10/522479	
	RMATION DI			Filing Date	01/26/2005	
STATI	STATEMENT BY APPLICANT			First Named Inventor	HOWARD WILLIAM WINTER	
				.Art Unit	TBA 2619	
(Use as many sheets as necessary)				Examiner Name	thknown Alpus Hsu	
Sheet	1	of	1	Attorney Docket Number	011765-0314597	

NON PATENT LITERATURE DOCUMENTS									
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.							
BHH		VALENTINO ET AL., "The Incorporation of Fibre Channel and Scalable Coherent Interface Technologies in Avionics Systems, Oct. 27, 1996, pgs. 365-372."							
bury		International Search Report dated November 14, 2003, for Application No. PCT/GB03/03183.							
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Examiner Alpus H. Hsu	Date Considered	12/26/07
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Notice of References Cited Application/Control No. 10/522,479 Examiner Alpus H. Hsu Applicant(s)/Patent Under Reexamination WINTER ET AL. Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	Α	US-5,894,481 A	04-1999	Book, David	370/412
*	В	US-6,160,813 A	12-2000	Banks et al.	370/422
*	С	US-6,185,203 B1	02-2001	Berman, Stuart B	370/351
*	D	US-6,470,007 B1	10-2002	Berman, Stuart B.	370/351
*	Ε	US-6,584,101 B2	06-2003	Hagglund et al.	370/389
*	F	US-6,731,646 B1	05-2004	Banks et al.	370/422
*	G	US-6,892,167 B2	05-2005	Polan et al.	702/187
*	Н	US-6,904,053 B1	06-2005	Berman, Stuart B.	370/466
*	ı	US-7,012,914 B2	03-2006	Berman, Stuart B.	370/351
*	J	US-7,301,956 B2	11-2007	Martin et al.	370/413
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